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COMMITTEE ON THE ELIMINATION OF
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second and third periodic reports

1. Following the procedure adopted by the Committee at its ninth session 1/ for the consideration of second and subsequent periodic reports, issues and questions that should be discussed with the representatives of States parties presenting a second periodic report were identified in advance by a pre-session working group.

New Zealand

2. The Committee considered the second periodic report of New Zealand (CEDAW/C/NZL/2 and Add.1) at its 243rd meeting, on 25 January 1994.

3. In presenting the report, the representative of New Zealand stated that the Government took its responsibility to the Committee very seriously and had endeavoured to prepare a report showing an accurate picture of the situation of New Zealand women.

4. The representative noted that her country had just celebrated the centennial of women's suffrage. New Zealand had been the first self-governing country in the world to give women the right to vote. The celebrations had involved the extensive participation of the Government and women's organizations to mark the occasion. The event provided an opportunity to assess the current position of women and to consider what was needed to be done to achieve true equality. She noted further that 1993 had been the International Year for the World's Indigenous Peoples, and said that many of the events connected with the suffrage celebrations had picked up on the theme of indigenous women.

5. Her country had withdrawn its reservation concerning the employment of women in underground mines. However, while women's employment in the armed forces had increased, the country was not yet in a position to remove its reservation concerning women in the armed forces. New Zealand also maintained its reservation on paid maternity leave. The Government regarded payment for maternity leave as a matter for negotiation between the parties to an employment contract.

6. The Government had passed a new Human Rights Act in 1993, extending the grounds of prohibited discrimination. Its grounds would now cover gender issues, including pregnancy, childbirth, sexual harassment, marital and family status, sexual orientation, disability, age, race, religion, employment status and political opinion. The Act would come into force in 1994. The country's Human Rights Commission had also been granted more funds to carry out its enhanced duties.

7. The country had been undergoing a process of economic and social reform aimed at revitalizing the economy. To reverse the imbalances created by past policies of insulation and agricultural protectionism, the economy had been extensively deregulated, agricultural subsidies had been abolished, import and foreign exchange controls relaxed, tariff barriers reduced and State assets sold or corporatized. While the reforms had brought hardships, the ultimate purpose of those measures was to enhance living standards on the basis of sustainable economic growth.

8. In response to a question on the impact of SAPs on women, the representative said that a poorly performing economy would not help women in the long term, either economically or socially, hence the need for reform. She acknowledged the pressures many New Zealanders experienced during the period of structural adjustment, but said that the positive effects were beginning to be seen. There were clear indications that the country was now on track for sustained and sustainable growth. Some of the reforms had focused on the country's welfare system, which still remained one of the most generous in the world. There had been no reduction in spending on either education or health.

9. The Committee also noted the possible adverse effects of structural adjustment on women and asked whether a study on those effects had been conducted.

10. Referring to the role of the Ministry of Women's Affairs and NGOs since the last report, the representative informed the Committee that the Ministry was regarded as a key policy agency involved in most major policy developments. She

also acknowledged the important role that NGOs had played throughout the country's history.

11. The representative noted a number of long-term trends affecting women, including changes in family structure; the increased participation of women in the workforce (women made up 43 per cent of the workforce); the greater number of women who had established their own businesses; the increased participation of women in the traditional male professions; and greater numbers of women in public life (including the appointment of the first female High Court judge, in 1993). The representative noted that women's average remuneration remained less than men's.

12. Particular concerns included the growth in single-parent households (most of which were headed by women and had less income because of their relatively lower participation rate in paid employment) and the number of ageing women. Most people over the age of 75 were women, most of whom derived a high proportion of their income from state-funded superannuation payments.

13. With respect to violence, she observed that the issue had been a public concern for a number of years and that the reduction of violence was a priority for the Government. Measures to reduce and prevent violence included the setting up of family violence prevention networks, rape crisis centres and men's non-violence support groups. New legislation had been passed that took a stronger approach to the control of pornography providing for censorship to be based on the actual or likely harm to be caused by a particular material. It removed the distinction between the public and private use of pornographic materials and imposed greater restrictions on such materials.

14. The representative stated that women's health was a key issue. She noted that cervical cancer, identified as a preventable disease, had been killing over 100 women a year. A national cervical screening programme had been established, which had a particular emphasis on the Maori and Pacific Islands women. Breast cancer was also being addressed. The improvement in health services for Maori women had also been emphasized. Attempts had been made, with some success, to encourage healthy lifestyles and to reduce the high incidence of smoking among Maori women.

15. Another positive development among Maori women had been their increased participation in the business sector. Their rate of growth in establishing their own businesses was faster than that of Maori men or any non-Maori New Zealanders, although they started from a lower baseline. Various initiatives had been launched to encourage Maori women to take a role in business and to develop further their entrepreneurial skills, including the Wahine Pakari programme and the establishment of the Maori Women's Development Fund.

16. State-funded Maori immersion education had been provided, and the Government was committed to continuing financial support for the programme.

17. The Government had set up a steering committee to prepare for the Year of the Family. It would be used as a spur to improve the parenting skills in the society and for the improvement of the care of the elderly and children.

18. In introducing the report of Niue (a self-governing State in free association with New Zealand), the representative reported that Niue had unrestricted legislative competence regarding the rights set out in the Convention. Women had made significant strides in public life as well as in male-dominated occupations. Niue was a full member of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and was seeking membership in the World Health Organization (WHO).

19. Regarding Tokelau, New Zealand's last remaining non-self-governing territory, the representative said that the constitutional changes currently being implemented would continue the process whereby Tokelau, at its own pace, would assume greater control of its own affairs, including the manner in which rights accorded to Tokelauans under the Convention would be protected.

1. General observations

20. Members of the Committee indicated their general satisfaction with the report, its presentation, its comprehensiveness and the information contained therein. Concern was expressed about the remaining reservations on women in the armed forces and on paid maternity leave in a country where there was such a large number of women in the workforce.

21. The view was expressed that, although it was gratifying to note that the machinery for women's affairs was well established and that it had an increased budget, information was needed on the existence of local machinery.

2. General questions

22. In response to a question on the extent to which there was consultation with NGOs in the preparation of the report, the representative said that NGOs were involved at all stages of the process, with involvement on the part of organizations of Maori women.

23. The Committee noted the reports of Niue and Tokelau contained in the annexes to the New Zealand report and asked if these were the only States associated with New Zealand. If they were not, the Committee asked why reports from other States had not been submitted. In response, the representative said that when New Zealand ratified the Convention in 1985, in accordance with the practice at the time, that ratification had also been extended (with their agreement) to Niue, Tokelau and the Cook Islands. The Cook Islands, like Niue, was a self-governing State in free association with New Zealand and was therefore responsible for implementing the obligations under the Convention. The Cook Islands was aware of its responsibilities, but with only limited resources it had been unable to complete its report in time for the present session and would be submitting its report as soon as possible.

24. In response to an additional question as to whether New Zealand had provided technical assistance to the Cook Islands in the preparation of its report, the representative noted that assistance had been given in the text, but

that the preparation of the report was considered by the Government of the Cook Islands to be its own responsibility.

Article 2

25. Members asked about an apparent discrepancy between the reservation on maternity leave with pay and various legislative measures to prohibit discrimination, such as the new Human Rights Act.

26. An additional question was raised about whether the Ministry of Women's Affairs and the trade unions had taken up the issue of women's rights regarding paid maternity leave. The representative explained that the Government considered that payment for maternity leave was a matter for negotiation between the parties to an employment contract and therefore not subject to government direction. However, the provisions of the Parental Leave and Employment Protection Act provided for unpaid leave for parents in both the private and the public sectors, and employees could negotiate better terms and conditions for paid maternity leave. She noted that most women in the public sector were covered for six weeks' paid leave.

27. In response to a question about the basis for complaints taken to the Human Rights Commission and how those complaints were settled, the representative informed the Committee that marital status complaints made up 17 per cent of all complaints received. The majority of those involved access to credit and joint accounts. Such matters had been settled through mediation and had resulted in compensation and the revision of the policies of the private sector institutions involved. Allegations of sex discrimination, other than in the area of marital status, constituted over 70 per cent of the complaints taken to the Human Rights Commission, the majority being in the area of employment.

28. Replying to questions about differences in rates charged to men and women for insurance policies and whether that might adversely affect certain groups of women, the representative explained that the Human Rights Act exemption in respect to superannuation of life insurance was a result of the different life expectancies of women and men. Exemptions were only permitted when they were supported by actuarial or statistical data. On the average, given the different periods of contribution and the longer life span of women, men and women received the same total benefits from the plans.

29. In an additional question, it was asked why the Human Rights Act had left out political parties, private clubs and churches.

Article 4

30. Answering a question about whether the centennial celebrations of women's suffrage and the related activities (including those financed by the Suffrage Centennial Year Trust Fund) had been evaluated, the representative observed that it was too early to evaluate the results of the Suffrage Centennial. A range of activities had been undertaken by the Government in collaboration with NGOs that included educational and research activities, international conferences, projects, television documentaries, films and books about women in the country, in addition to radio broadcasts and short snippets about women's lives, their

achievements and history. Funds had been distributed to hundreds of projects throughout the country. The theme of the Centennial has been "celebrating the past and challenging the future". It had provided an opportunity to assess the situation of women and to identify the next steps.

31. Replying to a question about the financial support provided to supplement training and the Wahine Pakari programme, the representative explained that financial support had increased eightfold over the last two years. She noted that upon completion of the six-week training course for training motivators, the graduates trained other women in their own communities and were paid to do so. There were other funding sources available from the Government.

32. In response to a question on whether women's studies courses were well attended and available at academic institutions, the representative said that women's studies programmes were offered by some secondary schools, most universities and polytechnical institutions and they were usually fully subscribed.

Article 5

33. In answering a question regarding the effectiveness of the "counter-sexist" teaching materials and the running of "counter-sexist" training courses, the representative affirmed the Government's commitment to gender-inclusiveness in all aspects of education policy and development and its goal of ensuring equality in educational opportunity by identifying and removing barriers to achievement. The Ministry of Education had developed strategies, including non-stereotypical role models and non-sexist language, but there had been no substantial long-term monitoring of the effectiveness of either the resources or the training courses. The material had been in use for nearly 20 years and had been greatly expanded and improved.

34. Replying to a question about whether, in family education, prenatal and postnatal education had been extended nationwide, particularly to Maori women, the representative stated that a number of organizations, including Crown Health Enterprises, general practitioners, practical nurses and others, provided such education. There was some evidence that mainstream services were not well used by Maori women (who had a different profile from their non-Maori counterparts). That had led health-care authorities, Government departments and Maori women's groups to explore different ways of meeting the particular needs of Maori women. Examples of such initiatives included the Tipu Ora programme, which supported Maori women during pregnancy (and had resulted in a reduction in smoking, promotion of breast-feeding and a significant reduction in Maori infant cot deaths), the establishment of Whare Paruora health clinics, Government-funded research into new models for the delivery of prenatal and postnatal care to Maori families and Government funding for iwi (tribal) based health programmes.

35. Regarding a question about the response from women's groups to the enactment of the Films, Videos and Publications Classification Act in 1993, the representative explained that women's groups had been active in bringing about the changes in censorship legislation. The act, which would come into effect after the three existing censorship bodies were combined into a single office, would place greater restrictions on the availability of violent and pornographic

material, introduce new controls on the displaying of the material and set penalties for the possession of banned materials. The representative said that some women's organizations had wished for the legislation to be more restrictive, but that all would agree that the changes represented a significant and positive shift in censorship policy.

36. Replying to a question about whether the cause of the increase in the number of abused women seeking protection in shelters had been investigated in the light of the preventive measures adopted by the Government, the representative indicated that that fact did not necessarily reflect an increase in violence, but rather an increased awareness of the availability of sources of support for victims. Measures included an active arrest policy with respect to domestic violence, where all cases were treated in the same manner as assault attacks between strangers, in order that arrests could be made without the victim having to press charges. The representative referred to research that had suggested that strategies for the reduction of family violence needed to address such issues as power and control, parenting and child-rearing practices, and social structural factors.

37. In reply to an additional question on whether there was specific legislation on violence against women as opposed to random violence, the representative indicated that there was such legislation did exist.

38. In an additional question, it was asked whether the attitudes of men towards sharing domestic work had changed. In reply, the representative noted that men had to change their attitudes further.

Article 6

39. The representative informed the Committee about the response of the general public and women's groups to the increase in the spread of HIV. She observed that there was evidence that sex workers in New Zealand were relatively free of HIV/AIDS. The number of women infected with AIDS was as low as 17 out of the 48 HIV cases that were diagnosed in June 1993. The widespread use of condoms, predating the appearance of HIV/AIDS, was indicated as the factor contributing to the low incidence among sex workers. In addition, the representative indicated that women's groups had been concerned about the risks of late diagnosis of women infected with HIV/AIDS and had identified the need for information programmes that specifically addressed the issues of pregnancy and breast-feeding. Funds had been made available by the Government for education and sexual health programmes.

Article 7

40. In response to a question regarding the decreasing number of women in high executive positions, contrasted with the increase in the number of women in local government, the representative brought to the attention of the Committee figures that showed an increase in the number of women in Parliament since 1984. She noted that women had occupied various positions in the Cabinet since 1947. Women in New Zealand would be curious to see if the new electoral system based on proportional representation, voted on in 1993, would lead to further increases in representation. Women had always been more successful in local

government. There were no definitive studies on why women were more successful at local levels. The theories that had been put forward claimed that women were attracted to local politics since they could combine official duties with their responsibilities at home.

41. In an additional question, further information was requested on obstacles to women obtaining high-level posts in politics.

Article 10

42. Replying to a question about whether the closure of schools in rural areas, with a resulting inconvenience to rural families, coupled with the reduction of the education budget, had adversely affected poor people and those living in rural areas, the representative stated that, on the contrary, the expenditures on education had increased substantially during the past three years. It was pointed out that a rural school closed only when the school roll fell below 10 students, that the Government provided transportation assistance from home to school, that no fees were charged for pre-tertiary schoolchildren receiving education by correspondence and that the Government supported rural studies through a range of other initiatives.

43. In response to a question about the declining number of Maori and Pacific Island girls entering higher education, as indicated in the report, the representative stated that there had been no such decline. The text of the report referred to the differing proportions of Maori and non-Maori females entering tertiary education directly from school. Maori students took a break and worked before they entered tertiary education. Between 1986 and 1991, the total number of Maori university students had more than doubled and more than half were women. The Government was pursuing strategies to improve the participation rates and attainment levels at all levels of education.

44. A number of members referred to an NGO report, which highlighted the problem of fee increases for tertiary institutions and their implications for women, and asked whether the relevant authorities were aware of those problems. In response, the representative stated that the Government had been committed to increasing the availability of tertiary education in a fiscally responsible way. Loans were available to students to cover fees and their living expenses, and they were not required to repay the loan until they were in the paid workforce. More women, at a more mature age, were entering tertiary education than in the past, their number doubling between 1988 and 1993. Women were moving towards equality in enrolment in science, and a comparable number of women and men were enrolled in veterinary science, medicine and dental surgery. There was an increased percentage of women graduates in medicine, natural sciences and engineering.

Article 11

45. In clarifying the reasons for the differences observed in unemployment rates among the female population in the different ethnic groups, the representative explained that the figures for unemployment in the female labour force in 1993 (21.4 per cent for Maori females, 19.8 per cent for Pacific Island females and 6.1 per cent for European females) represented a drop in the

unemployment rates of the two first groups from 29.2 per cent and 25.6 per cent, respectively, in 1991. There was no single reason for the different rates of unemployment among ethnic groups. Contributing factors included the restructuring of the economy (which had led to a reduction in the number of unskilled jobs, a shift away from the manufacturing sector, and a lack of employment opportunities in regions where Maori and Pacific Islands women were more concentrated), and lower levels of retention and attainment rates for Maori and Pacific Islands girls in the education system. Education and training were vital for Maori and Pacific Islands women, and the Government had a commitment to assist disadvantaged job seekers and to develop measures for people who had not received formal institutional education. In reply to an additional question on whether changes in the industrial environment had reduced the bargaining power of trade unions, with a resultant adverse effect on women, the representative stated that current legislation continued the move from occupation-based to industry-based bargaining. The current legislation did not replace collective bargaining, but rather provided options for contract forms. The current law extended personal grievance provisions to all workers and now included sexual harassment as a basis for complaint.

46. In answering an additional question about the principle of equal pay for work of equal value, the representative indicated that a kit had been produced on gender-neutral job evaluation for use by large organizations.

47. It was asked whether the unemployment rate had led to an amendment in unemployment benefits and whether the six-month waiting period was still in force.

48. There was an additional question as to why women were employed primarily in part-time jobs. Further explanations were requested.

Article 12

49. In providing additional information on the impact of the decentralization and restructuring of the health-care system and the effects of the changes on health care, the representative said that 80 per cent of total health expenditure was publicly funded and that the funding levels had been maintained during the economic recession. She added that the mechanisms for services had been restructured to improve access and effectiveness, while costs were contained. Area health boards had been replaced by four regional health authorities, which acted as purchasers of services for their population. As well, a core national health advisory committee had been established to advise the Government on the services to be funded. The medium-term objectives for health services included improving the access of New Zealanders to health and disability services, improving the quality, effectiveness and efficiency of the services, as well as providing assistance to the poor. Under the restructured health system, women's access to services should be maintained and in some cases improved, particularly access for Maori women. Consumer choice and protection would be enhanced.

Article 14

50. A question was asked why the pilot project on mammography had been restricted to an older age group.

51. Questioning the practice of the eldest son as the first choice for the inheritance of a family farm, the representative said that it was not a legal position but was a practice in family farming. It was based on the perception that agriculture was a male occupation; increasingly, however, more women were farm managers in their own right, owners or full partners with their husbands.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38), paras. 28-31.